REMARKS/ARGUMENTS

1. Claims 1 and 2 continue to be rejected under 35 U.S.C. § 102(e) as anticipated by Charisius et al. U.S. Publication 2002/0104071.

2. The invention relates to a method for operating a track management system. As variously described in the application, and particularly at page 7, the sources of data are "a sensor or another system or subsystem, which generates signals which may be representative of the existence of a target or track, and possibly its location, dimensions, and velocity. Source 12 might be a radar system, for example, or another control and command system, or a LINK 4A, LINK 11, or LINK 16 interface, or any other source. According to an aspect of the invention, the track data signals are transmitted by way of a signal path 14 to a commercial off-the-shelf (COTS) application server arrangement . . ." which is totally absent from Charisius et al.

Applicant has argued that the Charisius et al. describes something other than a "target" as recited in the claims, but instead refers to a "target application server," and that this "target application server" is a server, not a target. Examiner has not accepted this argument.

In order to make this distinction more clear, claims 1 and 2 are amended to recite the context of the invention as being a "command and control system" which includes positive recitations of "sensors" for the generation of data relating to the recited "targets."

More particularly, claim 1 now recites inter alia

> "A method for operating a command and control system including a track management system and sensors, said method comprising the steps of:
>
> :
>
> generating data representing target information from at least said sensors, and communicating said data to said COTS application server in the form of a Java Two Enterprise Edition (J2EE) compliant protocol;"

which are clearly not found in Charisius et al.

Claim 1 thus clearly distinguishes from Charisius et al. in a 35 U.S.C. 102 sense, and should now be patentable.

3. Claim 2 is rejected under 35 U.S.C. §103(a) as unpatentable over Charisius et al. in view of Skufca et al. U.S. Pub No. 2003/0065827. Claim 2 has been amended to include the same language added to claim 1.

The §103 basis for rejection of claim 2 continues to be traversed for lack of a proper nexus for Examiner's suggested combination of references. Examiner's argument near the bottom of page 5 of the FINAL Action states inter alia

> "However, Skufca provides a mean for wrapping to multiple data source fields that include CORBA component, "a Corba software component arrangement" . . .. Therefore, it would have been obvious . . . incorporate the teaching of Skufca with the method of Charisius, to use a CORBA software component

> arrangement. The modification would have been obvious because one of ordinary skill in the art would have been motivated to do so that it would enhance the Charisius teachings and/or system with a more versatile tool for covering all of the component based."

Without going into detailed analysis of the actual meaning of Examiner's statements, it may be said that they are confusing and unconvincing.

Thus, there is no proper nexus for Examiner's suggested combination of Charisius et al. with Skufca, and the suggested combination may not be made. In the absence of Examiner's suggested combination of references, the §103 rejection falls, and claim 2 is patentable.

In addition, even assuming that the Charisius et al. and the Skufca et al. references can be combined notwithstanding the lack of a proper reference for such combination, the resulting combination is not the claimed combination. Neither the Charisius et al. nor the Skufca et al. references suggests a command and control system including a track management system and sensors as recited in amended claim 2. In general, the Charisius et al. reference relates generally to the "generation of code" and the Skufca et al. reference relates to electronic business transaction processing. Neither Charisius et al. nor Skufca et al. recite sensors for generating the target data, and thus even Examiner's suggested combination of references fails to show the invention as now claimed.

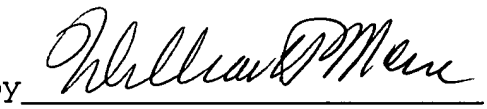
Claim 2 is therefore patentable in a §103 sense

over Examiner's suggested combination of Charisius et al. and Skufca et al.

4. Reconsideration and allowance of claims 1 and 2 are requested, or at least entry of the amendment for purposes of appeal.

5. No fee is believed to be required for this amendment. Please charge any other fees to deposit account 50-2061.

FOR THE APPLICANT(S)

by 

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